

MAKING THE WESTERN HEMISPHERE TRAVEL INITIATIVE WORK WITH REAL ID-COMPLIANT DRIVER LICENSES

EXECUTIVE SUMMARY

The Western Hemisphere Travel Initiative (WHTI), a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, mandates that upon seeking entrance to the United States across a land border port of entry, all travelers, including U.S. citizens, present a passport, another verifiable and secure document, or combination of documents which can ensure a person's identity and citizenship. This initiative will change travel for U.S. citizens traveling between the U.S. and both Canada and Mexico.

To ease the financial burden of requiring citizens to obtain a passport, and to partly address the concerns of the business community, the Department of Homeland Security, the agency with authority over this Act, has proposed a driver-license-like "passport lite" document called the PASS Card.

The PASS Card proposal duplicates many of the requirements of The REAL ID Act, which was signed into law in 2005. This Act calls for new standards in driver licenses, and mandates that only compliant driver licenses can be used for Federal purposes. Upon implementation of the REAL ID Act by States in May 2008, the U.S. driver license, which currently acts as the gateway document to social services and privileges, will be even more secure than it is today. The processes used to issue a REAL ID driver license will be even more reliable than many Federal ID programs and are ideal to carry out the enrollment process for PASS Cards or REAL ID-compliant driver licenses certified for border crossing.

The Federal government should leverage the large investment States have already made in their secure ID systems, and the additional investments they will make to become REAL ID compliant, to turn the new PASS proposal into a cost effective, secure, and citizen friendly program. The States have built, and are investing billions of dollars as part of their security enhancement and REAL ID compliance efforts, to establish an ID infrastructure that delivers a high level of security in the enrollment, verification and issuance processes. The States have established security processes that complement and extend many of the steps that are used for the current passport, or expected PASS Card, enrollment processes and provide additional layers of security to protect U.S. citizens.

By implementing a small number of policy changes, the Federal government could empower the States to provide citizens with REAL ID-compliant driver licenses with PASS-type certification for crossing land-based borders.

NEW BORDER ID REQUIREMENTS

The Intelligence Reform and Terrorism Prevention Act was signed into law in December 2004. A provision included in that Act, the Western Hemisphere Travel Initiative (WHTI), sets new requirements for travel documents that take effect, under an implementation schedule announced by the Bush Administration, in January 2008. WHTI mandates that upon seeking entrance to the United States across a land border port of entry, all travelers, including U.S. citizens, present a passport, another verifiable and secure document, or combination of documents which can ensure a person's identity and citizenship. This initiative will change travel for U.S. citizens traveling between the U.S. and both Canada and Mexico.

More than 29 million people move across the U.S. / Canadian border to engage in trade and tourism each year, supporting more than \$1.2 billion of daily trade between the countries. In 2004, Canadians spent \$10.3 billion in the U.S., nearly \$8 billion of which was spent on travel and tourism.

Only 20% of U.S. citizens hold passports. The initial implication of WHTI was that each citizen traveling home from Canada or Mexico would now have to possess a valid passport, costing nearly \$100 to obtain. To ease the financial burden, and to partly address the concerns of the business community, the Department of Homeland Security, the agency with authority over this Act, has proposed a driver-license-like "passport lite" document called the PASS Card. However, Zogby International has released a poll that found that 68 percent of Americans and 54 percent of Canadians are unlikely to purchase an additional, limited use government-issued card.

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A coalition of U.S. and Canadian businesses, called Business for Economic Security, Trade & Tourism (BESTT) and comprised of over 60 associations and companies, believes that the PASS proposal, as currently written, will significantly reduce commerce between the U.S. and Canada. Indeed, BESTT has cited one estimate saying the new identification requirements could cost the U.S. economy \$785 million a year and the Canadian economy \$1.7 billion in lost revenue due to a decline in tourism. This coalition "opposes requiring passports for Americans and Canadians entering the U.S., and instead, proposes that the

Federal government delay implementation of the Western Hemisphere Travel Initiative until such time as the REAL ID (drivers' license) legislation is fully in place, and for using drivers' licenses as acceptable identification as the border can be implemented."

OPPORTUNITY: OVERLAPPING ENROLLMENT PROCESSES

Although a formal rule outlining the official details of the PASS card has not yet been issued, informal guidance from the Departments of State and Homeland Security indicate that the PASS Card is intended to be a credit card-sized identity document, similar to a driver license, issued by the Federal government, and available for roughly \$55 to U.S. citizens engaged in travel between the U.S. and Canada or Mexico. To obtain a PASS Card, a citizen would follow the same process as required for a passport: appear in person at one of 7,000 passport acceptance facilities located throughout the United States with two personal photographs, proof of U.S. citizenship, and a valid form of photo identification such as a driver license. Acceptance facilities include many Federal, State and probate courts, post offices, some public libraries and a number of county and municipal offices, and a small number of regional passport agencies.

Many of these enrollment and processing centers offer passport, and by implication PASS Card, services as a convenience to their customers. While Department of State-authorized enrollment agents such as Postal workers, librarians, and municipal office workers have received basic fraudulent document recognition training from State Department Regional Offices, their level of training or day-to-day experience does not compare to their counterparts at DMV offices and represents a major security weakness in the current enrollment process.

LEVERAGING NEW MINIMUM STANDARDS

PASS Cards would carry a portrait of the card holder and require certain documents be presented by the applicant to establish both identity and citizenship. REAL ID issuance processes call for States to meet new minimum standards that include:

The capture of applicant data, including

- Capture digital images of identity source documents in a transferable format
- Retain copies of source documents (7 years for paper or 10 years for images)
- Conduct mandatory facial image capture

Verification of identity, including:

- Verify, with the issuing agency, the issuance, validity, and completeness of each document
- Verify the legal presence status of a person
- Confirm/verify a renewing applicant's information
- Confirm with SSA all applicant SSNs using the full 9-digit number
- Confirm termination of previous license in another State before issuance
- Provide electronic access to all other States to information contained in the motor vehicle database of the State

The States have made and are making major investments in their secure ID systems to protect their citizens from identity theft, fraud and to enhance their personal security and the security of the nation. The States have built, and are investing billions of dollars as part of their security enhancement and REAL ID compliance efforts, to establish an ID infrastructure that delivers a high level of security in the enrollment, verification and issuance processes. The States have established security processes that complement and extend many of the steps that are used for the current passport, or expected PASS Card, enrollment processes and provide additional layers of security to protect U.S. citizens.

The processes and technologies deployed by the States, which could be used to strengthen the current enrollment process for Federal citizen credentials such as passports or used to gain citizenship certification from Department of State for State-issued REAL ID-compliant driver licenses, include:

- Secure in-person photo capture to secure against fraudulent photos submittal and enable downstream biometric facial recognition
- Electronic scanning and archiving of documents enabling efficient enrollment, subsequent forensic investigation of documents, and electronic transmittal as part of adjudication process
- Electronic document authentication at point of enrollment using a variety of machine readable features
- Electronic applicant verification against federal and third party databases such as Social Security
- Electronic verification of applicant data against State DMV and vital record databases
- Facial and/or fingerprint recognition using 1-to-1 and 1-to-many State biometric systems to verify identity against existing biometric records
- Use of trained DMV personnel who are trained and experienced in fraudulent document recognition, work with enrollment processes on an ongoing basis, and have successfully passed thorough background checks

When combined with existing Department of State adjudication processes to determine and verify whether certification as a U.S. citizen should be awarded to an applicant, the process will become much more secure and comprehensive and strengthen the security of U.S. citizens and the nation.

Each of the process steps, and its benefit in enhancing the security of the enrollment and issuance process, is identified below.

Secure In-Person Photo Capture

REAL ID driver license processes require the applicant to appear in person to have the portrait digitally captured as part of the enrollment process. The U.S. passport application process requires the applicant to arrive with two portraits, often taken at a photo store. By using State driver license issuers to carry out the enrollment process for passports, PASS Cards or REAL ID-compliant licenses with PASS certification, the same digital imaging systems that are already in place to capture REAL ID driver license portraits can be used to capture the passport or PASS Card portrait. No longer does the document processor have to compare instant photos to the applicant to check validity.

Driver license portrait capture systems usually have sophisticated image quality checking to ensure the portrait is suitable for both high quality printing and easy visual recognition by an inspector.

In addition, many States implement facial biometric identification systems to filter out fraud in their applicant enrollment processes. This fraud screening could be used to confirm that an applicant is who they say they are by matching the image with those in the State database and ensuring the applicant holds a valid driver license in the State processing the applicant, further confirming identity.

Electronic Scanning, Archiving and Authentication of Documents

The PASS Card will require applicants to present a number of documents to establish identity, U.S. citizenship, and eligibility for the card. Examples of the types of documents that can be presented to obtain a passport include a birth certificate and driver license, assuming PASS Card standards follow those for the U.S. passport. REAL ID and the PASS Card will require many if not all of the same documents in the enrollment process.

REAL ID compliance will encourage States to put systems in place to scan identity documents into digital form. The digital form can be sent electronically to the Department of State as part of the application process, reducing application times, providing for secure delivery, and reducing the amount of manual and redundant document handling. If required, the States could also send these original documents to the Department of State to enable examiners to further verify that they are genuine.

As part of scanning, many States will implement automatic document authentication to catch fraudulent or counterfeit breeder documents. This same screening can improve and further secure the application process should States carry out the passport, PASS Card or REAL ID-compliant driver licenses with PASS certification enrollment functions.

Electronic Verification of Applicant Data

As part of REAL ID, States are required to electronically verify the status of alien citizens through the System for Alien Verification of Entitlements (SAVE). States are also required to verify Social Security Numbers through the Social Security Administration (SSA). As a result, States will have established electronic applicant data verification processes. These can be leveraged for passport enrollment or for enrollment for PASS certification to be added to State driver licenses. States could pre-clear the applicant's Social Security Number along with verification against State DMV or vital record databases. Once the portrait is captured, identity documents are scanned, and any pre-clearance is complete, a processing State could electronically submit a document data set to the Department of State for processing while also completing electronic verification against state and other third party databases.

It is likely that the Department of State will retain the authority and obligation to determine that an applicant is a U.S. citizen and meets the requirements for PASS Card issuance. Leveraging the use of state electronic verification against State, Federal and third-party databases strengthens the enrollment and issuance process and helps ensure the safety of U.S. citizens both here and abroad.

Similar to the SAVE system, the Department of State could return acceptance or rejection of the application, triggering either issuance of a PASS-certified driver license, or a non-certified license in case of rejection, by the State.

Should the Federal government determine that all PASS Cards must be issued by the Department of State rather than leverage the REAL ID secure production processes of the States, acceptance of a digital application from a processing State would trigger the Federal card issuance process.

Leveraging Secure Processes through Facial / Fingerprint Recognition and Fraudulent Document Recognition

This document highlights areas where a great deal of efficiency and enhanced security can be gained by making use of the REAL ID driver license enrollment process – portrait capture, document scanning, electronic verification, and digital application submission.

Security improvements are realized through in-person digital portrait capture, enhanced document authentication, and applicant data verification in a pre-clearance state and potential use of facial biometrics, as used in many number of States today, to confirm identity prior to submission to DoS . Facial or fingerprint recognition using 1-to-1 and 1-to-many State biometric systems to verify identity against existing biometric record may result in much more secure issuance process for passports and other federally issued-documents such as certified State-issued driver licenses. Many States identify hundreds of fraudulent applications each year based on facial recognition technologies deployed to match applicant images with their existing driver databases, either for identifying potential matches against their entire databases (1-to-many matching) or verifying identity of a particular individual against their previously captured image (1-to-1 matching).

In addition, leveraging the REAL ID driver license issuance process makes use of State personnel who screen and process identity document applications daily and are trained to recognize fraudulent applicants and documents. This is their primary course of business. State personnel are routinely trained in fraudulent document recognition, giving them unique skills to detect fraud during the application process.

In addition to skilled staff, REAL ID requires that background checks be carried out on key personnel, enhancing security. And REAL ID places facility security requirements that far exceed those found at a public library.

POLICY RECOMMENDATIONS

- 1) Extend implementation of WHTI for citizens returning from Canada and Mexico to June 2009 to allow coordination with the REAL ID Act.
- 2) Allow citizens to choose a “PASS” certification option for their driver license when they apply for a REAL ID-compliant driver license.
- 3) Set appropriate Federal standards to enable participating States to produce PASS-certified REAL ID-compliant driver licenses that indicate the validity of these documents for border crossing travel.
- 4) Develop a process that enables the States to collaborate with the State Department to leverage the Federal expertise, processes and systems in adjudicating U.S. citizenship to support the ability of States to issue PASS certified REAL ID-compliant driver licenses.

- 5) Develop Federal standards to ensure States issue PASS-certified REAL ID-compliant driver licenses from secure, central issuance facilities to guarantee the highest levels of security are maintained.
- 6) Implement a Federal audit system of State PASS-certified REAL ID-compliant driver license programs to ensure that they meet all appropriate Federal standards for security and integrity.
- 7) Make a REAL ID driver license with the PASS certification option valid as a WHTI document for U.S. citizens returning from Canada or Mexico.

CONCLUSION

The Federal government should leverage the large investment States have already made in their secure ID systems, and the additional investments they will make to become REAL ID compliant, to turn the new PASS proposal into a cost effective, secure, and citizen friendly program that enables use of REAL ID-compliant drivers licenses with PASS-type certification to cross land-based borders. The States have built, and are investing billions of dollars as part of their security enhancement and REAL ID compliance efforts, to establish an ID infrastructure that delivers a high level of security in the enrollment, verification and issuance processes. The States have established security processes that complement and extend many of the steps that are used for the current passport, or expected PASS card, enrollment processes and provide additional layers of security to protect U.S. citizens. These processes and technologies deployed by the States include:

- Secure in-person photo capture to secure against fraudulent photos submittal and enable downstream biometric facial recognition
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When combined with existing Department of State adjudication processes to determine and verify whether certification as a U.S. citizen should be awarded to an applicant, the process will become much more secure and comprehensive and strengthen the security of U.S. citizens and the nation.

Not only would security be greatly enhanced, utilization of REAL ID-compliant driver licenses with PASS certification instead of establishing and issuing PASS cards will:

- Save citizens at least \$250 million per year in enrollment and issuance costs (estimated 5 million PASS Cards issued per year at \$55 each),
- Make the enrollment process much more convenient for citizens
- Leverage and create economies of scale for State DMV's who would could receive \$30 or more for handling enrollment processes for each PASS Card, Passports or PASS-certified driver licenses,
- Save billions of dollars in cross border commerce.

This approach also enables all of these processes to be further upgraded during the next few years as the States become REAL ID compliant and extend their security processes far beyond what REAL ID will require. It makes sense, particularly during a period of tight budgets, to integrate the processes and systems that the Federal government has unique expertise in—adjudicating citizenship status—with the expertise the States have in managing large scale end-to-end ID systems to develop a border crossing solution that meets our national security needs while supporting the needs of citizens and cross border commerce.